

Smt. SHUBHLAKSHMI NAIK
ADVOCATE

3rd Floor, Velho Building
Panaji, Goa 403 001
Phone : (0832) 2228904, 664468
E-mail : advssnaik@gmail.com

CERTIFICATE OF TITLE

I. - Description of the Property

All that part and parcel of land admeasuring 3316 sqmts surveyed under no.174/1-A of Village Siolim out of the total area of the property admeasuring 3700 sqmts forming western half of the property identified as 'TOLLEACHEM BATA' also known as "TARACHI BATTI" situated at Siolim within the limits of Village Panchayat of Siolim Taluka Registration Sub District of Bardez District North Goa in the State of Goa which half of Northern side of the property is described in the Land Registration office of Bardez under no.14843 at folio 149 of book B-38 (New) which is the half seperated from the entire property earlier described under no. 3351 at pages 241 reverse of Book-B-22 and enrolled in Taluka Revenue Office under no. 49 of 3rd division.

The Said Half Northern portion of the whole property is bounded as under:-

- North : By Coconut Grove Chopdem of Mukund.
- South : By Other half.
- East : By field Galley of Francis Xavier Fernandes and others.
- West : By drain of rain water.

-2-

The said Plot surveyed under no.174/1-A is bounded as under:-

North : By the boundary of Village Oxel and by survey
no.174/1.

South : By Survey no.174/2.

East : By Road.

West : By Drain water.

II. DESCRIPTION OF THE DOCUMENTS SCRUTINISED

1.-Certificate of Inscription and Description from the office of Land Registrar Bardez along with the copy of the Translation.

2.-Form I and XIV surveyed under no.174/1 and 174/1-A of Village Siolim, Bardez -Goa.

3.-Deed of Gift dated 25-2-1945 drawn at folio 2 onwards of Book-385 in the office of Notary public Ex-officio Sub-Registrar Ilhas along with the copy of the Translation.

4.-Deed of Qualification of Heirs and Discharge dated 11-1-1947 drawn at folio 26 reverse of Book-515 in the office of Notary public Ex-officio Sub-Registrar Bardez along with the copy of the Translation.

5.-Order dated 16-6-1994 in Case No.MND/REG/SIOLIM/1/93 passed by the court of Joint Mamlatdar of Bardez.

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-3-

6.-Judgment and Order dated 20-4-1998 in Case No.MND/PUR/U/516(1)/4/96 passed by the court of Joint Mamlatdar of Bardez.

7.-Order dated 19-3-2004 passed by the court of Joint Mamlatdar of Bardez.

8.-Land Zoning Certificate dated 28-7-2011 issued by the office of Town and Country Planning Department Mapusa Goa.

9.-Minutes of the Relinquishment dated 20-7-2012 in case no.59/12/ A(p) in the court of the Civil Judge SR. Division at Panaji Goa.

10.-Deed of Relinquishment/Renunciation of Rights dated 17-8-2011 drawn at pages 88v to 89v of book 835 in the office of Notary Public Ex-officio Bardez Mapusa Goa.

11.-Deed of Succession dated 27-12-2012 drawn at 42v onwards of Book-17 in the office of Notary Public Ex-officio Sub Registrar Pernem Goa.

12.-Certificate of Partition of survey no.174/1 dated 25-6-2015 issued by the office of Inspector of survey and land records, city survey Mapusa to Dy-collector Mapusa.

13.-Certificate of Partition of Survey dated 28-9-2015 issued by the Inspector of Survey and Land Records City, Survey Mapusa to Mamlatdar.

67-1

-4-

14.-Sanad under no.RB/DMV/BAR /AC-1/22/2014 dated 25-11-2015 issued by collector North Goa Panaji along with the copy of the Plan.

15.-Agreement for Development and sale dated 27-12-2016 executed with Navelcar Infratech, registered under no.BRZ-BK1-00016-2017, CD Number BRZD784 on 2-1-2017 in the office of Sub-Registrar Bardez.

16.-Deed of Rectification dated 3-4-2017 registered under no.BRZ-BK1-01255-2017, CD Number BRZD 86 on 19-4-2017 in the office of Sub-Registrar Bardez

17.-Nil Encumbrance Certificate under no.1824/2013 dated 24-9-2013 from the office of Sub-Registrar Bardez confirming that there is no charge on the said property from 1-1-2011 to 3-9-2013.

18.-Plan.

III.- SEARCHES CONDUCTED

I have given searches in the office of Land Registrar/Sub-Registrar Ilhas/Bardez and in the Court of Civil Judge Senior Division Mapusa.

IV.- FLOW OF TITLE

On having perused the documents and on giving searches in the relevant offices I confirm that the Western half of the property originally belonged to Datta Pandurang Porobo Moyo and the Eastern Half belonged to Narana Naik Burio as the same stands inscribed in their

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-5-

favour under inscription No. 13187 at pages 62 of Book-G-15 in the office of Land Registrar Bardez .

By Deed of Gift dated 25-2-1945 Datta Porobo Moyo alias Datta Porob Moio and his wife Smt. Gopikabai Datta Porobo Moio gifted their share in the said property to Shri. Pandurango Porobo Moio and his wife Smt. Indirabai Pandurango Moio by reserving life time usufruct in their favour, which deed is drawn at folio 2 onwards of Book-385 in the office of Notary Public Ex-officio Sub-Registrar Ilhas.

On 27-3-1945 the said Datta Porob Moio expired survived by his widow and moiety sharer Smt. Gopikabai and the above named donees Shri. Pandurango Porobo Moio and his wife Smt. Indirabai Pandurango Moio who was declared as his legal heir and the same is confirmed by Deed of Qualification of Heirs and Discharge dated 11-1-1947 drawn at folio 26 reverse of Book-515 in the office of Notary public Ex-officio Sub-Registrar Bardez.

It appears from the records that the Said Gopikabai also expired and thus the lifetime usufruct stands extinguished.

Thus Shri. Pandurango Porobo Moio and his wife Smt. Indirabai Pandurango Moio became the lawful owners in possession of the said Property.

On 16-5-1992 the said Pandurango Porobo Moio expired and subsequently on 13-4-2008 his wife Indirabai Pandurango Moio also expired and On their demise vide Minutes of the Relinquishment in case no. 59/12/A(p) in the court of the

-6-

Civil Judge SR. Division at Panaji Goa the daughters of late Pandurango Porobo Moio and his wife late Indirabai Pandurango Moio namely:- (i)-Smt. Gaitanibai Porob Moio (ii)-Smt. Vaijayanti Porob Moio (iii)-Smt. Karana Porob Moio along with their respective spouses relinquished /renounce their rights to the inheritance of their late parents/ parent-in-law in favour of the other co-heirs and also by Deed of relinquishment/ Renunciation of Rights dated 17-8-2011 Shri. Datta Pandurang Porobo Moio and his wife Gopikabai Porobo Moio relinquished/renounce their rights to the inheritance of their late parents/parent-in-law Pandurango Porobo Moio and his wife Smt. Indirabai Pandurango Moio in favour of the other co-heirs, which deed is drawn at pages 88v to 89v of Book 435 in the office of Notary Public Ex-officio Bardoza Nepusa Goa.

BY Deed of Succession dated 27-12-2012 drawn at 42v onwards of Book-17 in the office of Notary Public Ex-Officio Sub Registrar Pernem Goa. (i)-Shri. Vaman Pandurang Porobo Moyo alias Anil P. Moyo married to Smt. Laxmi Vaman Moyo (ii)-Shri. Roguvir Porobo Moio alias Mohan Pandurang Moio married to Smt. Rukmini R Moyo who expired on 12-2-2010 being survived by her widower and moiety sharer Shri. Roguvir Porobo Moio and her sole and universal legal heir her daughter Smt. Shreya Mohan Moyo and (iii)-Shri. Vinayak Pandurang Moio alias Uday Pandurang Moyo married to Smt. Neema Vinayak Moyo were declared as their sole and universal legal heirs of the said late Pandurango Porobo Moio and his wife Smt. Indirabai Pandurango Moio.

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-7-

Thus (i)-Shri.Vaman Pandurang Porobo Moyo alias Anil P. Moyo and his wife Smt. Laxmi Vaman Moyo (ii) Shri. Raghuvir alias Mohan Moio (ii) (a) Smt. Shreya Mohan Moyo now married to Shri. Ashvek Venkatesh Naik (iii)-Shri.Vinayak Pandurang Moio alias Uday Pandurang Moyo and his wife Smt. Neema Vinayak Moyo became the lawful owners in possession of the said property.

There is no system of the land records in Goa to verify the Survey numbers viz-a-viz the description number of the property, However on verification of the boundaries and on the basis of information given by the owners it is believed that the said property admeasuring 3700 forming western half of the property is now surveyed under no.174/1.

On 28-7-2011 Land Zoning Certificate was issued by the office of Town and Country Planning Department Mapusa Goa confirming that the said property surveyed under no,174/1 admeasuring 3700 sqmnts is under settlement Zone.

Thus the names of (i)- Shri.Vaman Pandurang Porobo Moyo alias Anil P. Moyo Raghuvir alias Mohan Moio (ii) Raguvir Porobo Moio alias Mohan Pandurang Moio (iii)-Shri.Vinayak Pandurang Moio alias Uday Pandurang Moyo stands recorded in survey records of rights in the Form I and Xiv surveyed under no.174/1 along with one Smt. Maria Emclia D'Souza.

-8-

It is observed that in the said Property surveyed under no.174/1 there existed a Munkarial dwelling house occupied by Smt. Maria Emclia D'Souza .

By Order dated 16-6-1994 in Case No.MND/REG/SIOLIM/1/93 passed by the court of Joint Mamlatdar of Bardez, the said Smt. Maria Emclia D'Souza was declared to be the Mundkar of the said dwelling House bearing no.1040(old) and 956/7(new).

By Judgment and Order dated 20-4-1998 in Case No.MND/PUR/U/516(1)/4/96 passed by the court of Joint Mamlatdar of Bardez it is confirmed that the said Smt. Maria Emclia D'Souza has been allotted an area of 384 sqmts along with the dwelling house standing thereon out of the total area of the property admeasuring 3700 sqmts surveyed under no.174/1.

By Order dated 19-3-2004 passed by the court of Joint Mamlatdar of Bardez, it is confirmed that the said Smt. Maria Emclia D'Souza has purchased the area of 384 sqmts along with the dwelling house standing thereon out of the total area of the property admeasuring 3700 sqmts surveyed under no.174/1.

Thus the owners were entitled to the balance area of 3316 sqmts out of the total area of 3700 sqmts.

That the owners(i)-Shri.Vaman Pandurang Porobo Moyo alias Anil P. Moyo Raghuvir alias Mohan Moio (ii)Roguvir Porobo Moio alias Mohan Pandurang Moio (iii)-Shri.Vinayak

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Pandurang Moio alias Uday Pandurang Moyo hereto have partitioned their area admeasuring 3316 sqmts after deducting the area of 384sqmts allotted to the said Mundcar out of the total area of said property admeasuring 3700 sqmts surveyed under no.174/1 and thus the said portion admeasuring 3316 sqmts is now surveyed under no.174/1-A of Village Siolim, as confirmed by the Certificate of Partition of Survey dated 28-9-2015 in case no.9/ISLR/MAP/PART/LAND/240/15/5243 issued by the Inspector of Survey and Land Records City, Survey Mapusa on the basis of the order dated 3-8-2015 vide order no.15/333/2014/part/land issued by Dy.collector,Mapusa.

Thus the names of the above named co-owners stands recorded in survey records of rights in the Form I and Xiv surveyed under no.174/1-A of village Siolim admeasuring 3316 sqmts under mutation no.53983 .

on 25-11-2015 Sanad under no.RE/CNV/BAR/AC-1/92/2014 was issued by collector Panaji for conversion of the SAID Plot admeasuring 3316 sqmts surveyed under no.174/1-A for residential purpose.

On 27-12-2016 the owners (i)-Shri.Vaman Pandurang Porobo Moyo alias Anil P. Moyo and his wife Laxmi Vaman Moyo (ii) Shri. Mohan alias Raghuvir Moyo(ii)(a) Smt.Shreya Naik and her husband Shri. Ashvek Venkatesh Naik (iii)- Shri.Vinayak Pandurang Moio alias Uday Pandurang Moyo and his wife Neema Vinayak Moyo entered into an Agreement for Development and sale with Navelcar Infratech, a partnership Firm represented by its Partners (i)-Shri. Anant Navelcar and (ii).-Shri.Sachin Naik, agreeing to

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-10-


sell the said Plot admeasuring 3316 sqmts surveyed under no.174/1-A for development purpose, which agreement is registered under no.BRZ-BK1-00016-2017, CD Number BRZD784 on 2-1-2017 in the office of Sub-Registrar Bardez.

BY Deed of Rectification dated 3-4-2017 registered under no.BRZ-BK1-01255-2017, CD Number BRZD786 on 19-4-2017 in the office of Sub-Registrar Bardez, certain errors with respect to the area of the Plot and certain facts remained to be incorporated in the Agreement for Development and sale dated 27-12-2016, which have been rectified.

V.- OPINION

In the above circumstances I confirm that (i)- Shri.Vaman Pandurang Porobo Moyo alias Anil P. Moyo and his wife Smt. Laxmi Vaman Moyo (ii) Shri. Raghuvir alias Mohan Moio (ii) (a) Smt. Shreya Naik and her husband Ashvek Naik (iii)-Shri. Vinayak Pandurang Moio alias Uday Pandurang Moyo and his wife Smt. Neema Vinayak Moyo have and holds Clear, valid, absolute and marketable Title to the said plot admeasuring 3316 sqmts surveyed under no.174/1-A of village Siolim subject to Agreement for Development and sale dated 27-12-2016 read with Deed of Rectification dated 3-4-2017 executed with Navelcar Infratech.

Panaji, 25-4-2017


Adv. S.S. Naik